

Message

From: David M. Metres [DMetres@bargcoffin.com]
Sent: 11/12/2019 8:14:07 PM
To: 'Vivian Craig' [viviancraig@navajo-nsn.gov]; 'Harmon, Alison' [Ali.Harmon@arcadis.com]; 'Makerov, Mike' [Mike.Makerov@BNSF.com]; 'Thomas, Charles D' [Charles.Thomas@BNSF.com]; 'Stegman, Allen M' [allen.stegman@bnsf.com]; 'Kuhl, Brooke' [Brooke.Kuhl@BNSF.com]; 'Werth, Drew' [Andrew.Werth@arcadis.com]; Calanog, Steve [Calanog.Steve@epa.gov]; Gallo, Madeline [Gallo.Madeline@epa.gov]; Tom, Priscilla [Tom.Priscilla@epa.gov]; Townsend, Amanda [townsend.amanda@epa.gov]; Chilingaryan, Sona [Chilingaryan.Sona@epa.gov]
Subject: RE: Haystack - Call notes for 10/29/2019 meeting
Attachments: Haystack Housing Agreement - [Ex. 6 Personal Privacy (PP)] 11-12-19.pdf

All,

We have prepared nearly final versions of the relocation agreement, and wanted to forward along a copy of the version to be provided to [Ex. 6 Personal Privacy (PP)]. A separate agreement is being prepared for [Ex. 6 Personal Privacy (PP)].

We are putting together a cover letter, hopefully completed in the next day or so, and then will be ready to present the full package to the [Ex. 6 Personal Privacy (PP)]. The full package will consist of the cover letter, the relocation agreement, a figure depicting the survey of the new homesite, a table of the two manufactured home options, and the brochure for those manufactured homes.

We look forward to discussing further during our call this afternoon.

Best,
Dave

From: Vivian Craig <viviancraig@navajo-nsn.gov>
Sent: Thursday, October 31, 2019 11:17 AM
To: Harmon, Alison <Ali.Harmon@arcadis.com>; Makerov, Mike <Mike.Makerov@BNSF.com>; Thomas, Charles D <Charles.Thomas@BNSF.com>; Stegman, Allen M <allen.stegman@bnsf.com>; Kuhl, Brooke <Brooke.Kuhl@BNSF.com>; Werth, Drew <Andrew.Werth@arcadis.com>; David M. Metres <DMetres@bargcoffin.com>; Calanog, Steve <calanog.steve@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Tom, Priscilla <Tom.Priscilla@epa.gov>; Townsend, Amanda <townsend.amanda@epa.gov>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>
Subject: RE: Haystack - Call notes for 10/29/2019 meeting

Good morning Everyone:

I spoke to HPD-Window Rock office this morning and Vanessa informed me that Cultural Resource Compliance Forms have been mailed out to the [Ex. 6 Personal Privacy (PP)]. It was signed by BIA-Regional Office and approved on October 25, 2019.

- [Ex. 6 Personal Privacy (PP)] CRCF No. HPD 19637
- [Ex. 6 Personal Privacy (PP)] 19638

I called the [Ex. 6 Personal Privacy (PP)] this morning and informed her that the CRCF's are in the mail, and please deliver the forms to Tina Toledo Yazzie with BIA Residential Lease office in Crownpoint, NM. Then I will start corresponding with Ms. Yazzie to expedite the approval process for the Residential Lease.

Any questions please let me know.

Vivian

From: Harmon, Alison <Ali.Harmon@arcadis.com>

Sent: Wednesday, October 30, 2019 3:31 PM

To: Makerov, Mike; Thomas, Charles D; Stegman, Allen M; Kuhl, Brooke; Werth, Drew; Harmon, Alison; David M. Metres; Vivian Craig; Calanog, Steve; Gallo, Madeline; Tom, Priscilla; Townsend, Amanda; Chilingaryan, Sona

Subject: Haystack - Call notes for 10/29/2019 meeting

Good afternoon,

Please find the meeting notes below from the 10/29 call.

Attendees:

BNSF: Mike Makerov, Charles Thomas

- o Arcadis: Drew Werth, Ali Harmon
- o Outside Counsel: Dave Metres

USEPA: Sona Chilingaryan, Maddy Gallo, Priscilla Tom, Amanda Townsend

1. Safety Share
2. New Mexico coordination follow up

According to previous meeting minutes, USEPA had stated that they would follow up with EPA Region 6. Sona stated she could perform the follow up since she has a scheduled call with EPA Region 6 on October 30.

Charles asked why NMED was concerned with "outside" waste coming on to New Mexico land and if this was going to be an issue. Ali clarified that the State of New Mexico will allow the waste to be brought on to New Mexico land, they just want to know the details regarding where it is coming from and how the consolidation stockpile is going to be designed/constructed. Maddy added that the AOC states the consolidation stockpile is temporary and is not a final remedy.

Charles asked if we should start inviting NMED to the biweekly calls so they are apprised of site activities and asked for EPA guidance. Sona said that since NMED has shown interest in the site, BNSF could invite them to the calls. NMED is usually concerned with the long-term impacts and, therefore, may be more interested in joining calls when we start discussing EE/CA and the final remedy. BNSF will review attendee list and potentially invite NMED to future calls.

3. Recreational Vehicle Near Eastern Stockpile

Priscilla stated she drove by the area after our last call and did not see an RV present. [Ex. 6 Personal Privacy (PP)] did tell Priscilla that he was approached by a man who wants to move cattle on to Section 19. [Ex. 6 Personal Privacy (PP)] told him that it was private

property. Then, the man told Ex. 6 Personal Privacy (PP) he had a gun. Priscilla informed to not interfere due to concern for his safety. If cattle are moved on to Section 19, BNSF will deal with the situation.

4. Community Liaison

BNSF is in the process of hiring Cecil Lewis Jr. The last item being completed is the background check (ERailsafe).

BNSF, USEPA, NNEPA, and Arcadis had a call last week to discuss USEPA/NNEPA experience with liaisons. During the call, Vivian and Priscilla stated it is important to inform Cecil of what he can/can't divulge to the community. Therefore, BNSF/Arcadis will develop a community involvement plan detailing Cecil's duties and have Cecil sign a non-disclosure agreement.

5. Residential Lease

BIA still has the archaeological report for approval. Once BIA approves the report, NNHPD will issue their compliance form. Upon receipt, the compliance form, archaeological report, legal survey, and bio report can be resubmitted to BIA as the final homesite application package. Ali will reach out to NNHPD and if she can't get an answer, will ask Vivian for assistance in getting the approvals.

Arcadis was able to contact Navajo Nation Public Water regarding the septic system installation. An application, with construction drawings, will be required to be submitted prior to septic system installation.

6. Contractor Selection

BNSF is reaching out to the bidders with clarifying questions. BNSF hopes to select a contractor in the next couple of weeks.

7. Relocation Package

BNSF received additional comments from USEPA and NDOJ on Friday, October 25. Dave stated a revised package should be submitted in the next couple days. Drew asked about USEPA's approval after receipt and Maddy stated that it should be quick since Dave and Maddy discussed the proposed revisions. Sona stated she is happy things are moving along. Sona also said she thinks Vivian and Priscilla (and anyone else from BNSF that would like) should deliver the package to the Vandever's.

8. Mobile Home Setup

Arcadis contacted Gallup Homes on October 24 to acquire an update on manufacture timeframes. Gallup Homes stated that if ordered that day, they would be able to deliver end of January/early February. This indicates that Gallup is starting to catch up on their summer backlog.

Maddy asked if winter weather would affect the construction schedule. Drew stated that BNSF/Arcadis will coordinate with the contractor to hopefully avoid winter delays, but weather is always a potential issue.

Charles asked about utilities and required permits for the new homesites. Drew stated that Arcadis has already begun acquiring information regarding the requirements. The next step is contractor selection and then a more detailed site visit can be performed where construction specifics (e.g., permits) can be finalized.

Next steps:

- A. Sona will follow up with EPA Region 6 on coordination with New Mexico.
- B. BNSF will review attendee list and may add NMED.
- C. Arcadis will draft a community involvement plan and discuss a non-disclosure agreement for Mr. Lewis.

- D. Arcadis will reach out to NNHPD for an update on the archaeological reports and ask Vivian for assistance, as needed.
- E. BNSF will continue with the contractor selection process.
- F. BNSF will revise the relocation agreement and submit to Agencies.
- G. BNSF will notify the group when Cecil Lewis Jr. is officially on board.

Ali Harmon, PE | Project Environmental Engineer | ali.harmon@arcadis.com

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